

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) Criminal No. 05-10063-PBS
)
)
)
DUSTIN T. WARD,)
)
) Defendant.

MOTION FOR FINAL ORDER OF FORFEITURE

The United States of America, by its Attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves that this Court issue a Final Order of Forfeiture in the above-captioned case, pursuant to Title 18, United States Code, Section 2253, and Rule 32.2(b) of the Federal Rules of Criminal Procedure. A proposed Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On March 16, 2005, a federal grand jury sitting in the District of Massachusetts returned a two-count Indictment charging defendant Dustin T. Ward, (the "Defendant"), with Receipt of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2)(Count One); and Possession of Child Pornography, in violation of 18 U.S.C. § 2252(a)(4)(B) (Count Two).

2. The Indictment sought the forfeiture, as a result of committing the offenses alleged in Counts One and Two of the Indictment, of any and all matter which contains visual depictions produced, transported, shipped, received or possessed in violation of 18 U.S.C. § 2252; any property constituting or

derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations; and, any and all property used or intended to be used in any manner or part to commit and to promote the commission of the aforementioned violations, pursuant to 18 U.S.C. § 2253.

3. On October 17, 2005, the Defendant pled guilty to Counts One and Two of the Indictment, pursuant to a written plea agreement he signed on October 13, 2005, and he agreed to forfeit any and all assets subject to forfeiture pursuant to 18 U.S.C. § 2253(a) as a result of his guilty plea. The Defendant specifically waived and released his claims to: padded mail bag containing videotape #12f, syringes and vials, HP laptop computer with extension cord, external computer hard drive with disk, two compact disks (CDs) and one disk, one disk labeled "Bosstown 101.1," digital images, email correspondence, computer tower, and any other materials or property, seized by, or turned over to, the U.S. Postal Inspection Service on or about March 13, 2004 (the "Property").

4. On July 20, 2006, this Court issued a Preliminary Order of Forfeiture (see Document No. 30), pursuant to 18 U.S.C. § 2253, and Rule 32.2 of the Federal Rules of Criminal Procedure, against the Defendant's interest in the Property.

5. Notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald

Newspaper on October 19, 2006, October 26, 2006, and November 2, 2006 (see Docket Number 35).

6. To date, no other claims of interest in the Property have been filed with the Court and the time within which to do so has expired.

WHEREFORE, the United States respectfully requests that this Court enter a Final Order of Forfeiture against the Property in the form submitted herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

BY: /s/Kristina E. Barclay
ANTOINETTE E.M. LEONEY
KRISTINA E. BARCLAY
Assistant U.S. Attorneys
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

Date: December 22, 2006

CERTIFICATE OF SERVICE

This is to certify that the foregoing Motion for Final Order of Forfeiture and the proposed Final Order of Forfeiture, filed through the Electronic Case Filing system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/Kristina E. Barclay
Kristina E. Barclay
Assistant U.S. Attorney

Date: December 22, 2006

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
) Criminal No. 05-10063-PBS
 v.)
)
DUSTIN T. WARD,)
 Defendant.)

FINAL ORDER OF FORFEITURE

SARIS, D.J.,

WHEREAS, on March 16, 2005, a federal grand jury sitting in the District of Massachusetts returned a two-count Indictment charging defendant Dustin T. Ward, (the "Defendant"), with Receipt of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2)(Count One); and Possession of Child Pornography, in violation of 18 U.S.C. § 2252(a)(4)(B) (Count Two);

WHEREAS, the Indictment sought the forfeiture, as a result of committing the offenses alleged in Counts One and Two of the Indictment, of any and all matter which contains visual depictions produced, transported, shipped, received or possessed in violation of 18 U.S.C. § 2252; any property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations; and, any and all property used or intended to be used in any manner or part to commit and to promote the commission of the aforementioned violations, pursuant to 18 U.S.C. § 2253;

WHEREAS, on October 17, 2005, the Defendant pled guilty to Counts One and Two of the Indictment, pursuant to a written plea

agreement he signed on October 13, 2005, and he agreed to forfeit any and all assets subject to forfeiture pursuant to 18 U.S.C. § 2253(a) as a result of his guilty plea;

WHEREAS, the Defendant specifically waived and released his claims to: padded mail bag containing videotape #12f, syringes and vials, HP laptop computer with extension cord, external computer hard drive with disk, two compact disks (CDs) and one disk, one disk labeled "Bosstown 101.1," digital images, email correspondence, computer tower, and any other materials or property, seized by, or turned over to, the U.S. Postal Inspection Service on or about March 13, 2004 (the "Property");

WHEREAS, on July 20, 2006, this Court issued a Preliminary Order of Forfeiture, pursuant to 18 U.S.C. § 2253, and Rule 32.2 of the Federal Rules of Criminal Procedure, against the Defendant's interest in the Property;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald Newspaper on October 19, 2006, October 26, 2006, and November 2, 2006; and

WHEREAS, to date, no other claims of interest in the Property have been filed with the Court and the time within which to do so has expired;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Property, and it is hereby forfeited to the United States of America pursuant to the provisions of 18 U.S.C. § 2253.
3. All other parties, having any right, title, or interest in the Property, are hereby held in default.
4. The United States Marshals Service is hereby authorized to dispose of the Property in accordance with applicable law.

DONE AND ORDERED in Boston, Massachusetts, this _____ day
of _____, 200____.

Dated:

PATTI B. SARIS
United States District Judge